2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of the conclusions and recommendations for follow-on actions agreed to during the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons*

Report submitted by South Africa

I. Introduction

1. As an integral part of the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which recognised the continued validity of the decisions of the 1995 and 2000 NPT Review Conferences, it was agreed in Action 20 that:

> "States parties should submit regular reports, within the framework of the strengthened review process for the Treaty, on the implementation of the present action plan, as well as of article VI, paragraph 4 (c), of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament", and the practical steps agreed to in the Final Document of the 2000 Review Conference, and recalling the advisory opinion of the International Court of Justice of 8 July 1996."

II. Report

2. Since becoming a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in 1991, South Africa has committed itself to the full implementation of all Treaty provisions. In this regard, South Africa has adopted domestic legislation, including the Non-Proliferation of Weapons of Mass Destruction Act, No 87 of 1993, and the Nuclear Energy Act, No. 46 of 1999, both of which provide domestic effect to South Africa's obligations under the NPT regarding the non-proliferation of nuclear weapons and the application of nuclear energy for exclusively peaceful purposes, aimed at the achievement and maintenance of a world without nuclear weapons.

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3. Regarding the implementation of past agreements reached at the 1995, 2000 and 2010 Review Conferences, South Africa has adopted the following measures.

A. Nuclear disarmament (actions steps 1-22)

4. In terms of the measures and practical steps agreed to in the Final Documents of the 1995, 2000 and 2010 NPT Review Conferences, South Africa has implemented the following measures.

Comprehensive Nuclear Test-Ban Treaty (CTBT)

5. South Africa signed the Comprehensive Nuclear-Test-Ban Treaty (CTBT) on 24 September 1996 and ratified the Treaty without condition on 30 March 1999. South Africa has worked on a continuous basis, both in its national capacity and in the context of the political, regional and other groupings in which it participates, to promote the CTBT in general and also to promote its entry into force through the early signature and ratification of the Treaty, especially by those States whose ratification are required for its entry into force. It is therefore deeply regrettable that the ratifications by a small number of States whose ratification is required for the entry-into-force of the Treaty remain outstanding, despite positive pronouncements made to that effect by some States. The continued failure by these States to ratify the Treaty weakens the non-proliferation regime and brings into question their commitment towards the implementation of agreements reached during consecutive NPT Review Conferences and raises questions as to the credibility of the step-by-step approach towards nuclear disarmament.

Test moratorium

6. While the moratorium on nuclear testing was adopted by the nuclear-weapon States, South Africa has, nationally and in co-operation with other groupings, worked actively to promote the continued maintenance of this moratorium pending the entry into force of the Comprehensive Nuclear Test-Ban Treaty.

Fissile material treaty (FMT) negotiations

7. On a fissile material treaty, South Africa — like many other States — has been disappointed by the continuing failure of the Conference on Disarmament (CD) to commence negotiations on a fissile material treaty. To achieve this goal, South Africa has adopted a flexible attitude on the negotiations for a programme of work in the CD, and we continue to call on the other CD Members to adopt a similar approach. We believe that the narrow national and unilateralist objectives that have to date underpinned the CD's failure should not be permitted to frustrate the objectives of the international community as a whole. The failures of the CD, which is financed by all of the Members of the United Nations through the payment of their assessments to the UN, will in the longer term undermine the validity of the CD's claim to be the single multilateral disarmament negotiating forum of the international community.

8. South Africa has nevertheless itself taken, or participated in, a number of initiatives to move the FMT forward. In this regard, South Africa has:

(a) Submitted to the UN Secretary General its views on the possible scope and requirements of the Fissile Material Treaty (FMT) during 2013;

(b) Participated actively in the Group of Governmental Experts established pursuant to UNGA resolution 67/53 (2012);

(c) Co-sponsored and supported resolutions during the General Assembly that urges the CD to agree on a programme of work that includes the immediate commencement of negotiations on a FMT.

Nuclear disarmament in the Conference on Disarmament (CD)

9. The persistent failure of the Conference on Disarmament to agree on a Programme of Work has greatly hampered further efforts related to nuclear disarmament, despite the fact that general agreement exists that the question of nuclear disarmament concerns the entire international community. As already mentioned, South Africa will continue to maintain a flexible attitude towards negotiations for a Programme of Work in the CD.

10. South Africa remains concerned over the large number of nuclear weapons that are deployed and stockpiled around the world and the possibility that these destructive weapons could be used. We therefore believe that the Conference on Disarmament should not further delay the establishment of a subsidiary body to deal with nuclear disarmament, as also agreed to in Action 6 of the 2010 NPT Review Conference Final Document.

11. As the only country to date to have voluntarily and unilaterally destroyed its nuclear weapons capability, South Africa remains convinced that the possession of these weapons — or the pursuit of such possession by certain States — does not enhance international peace and security. We will therefore continue our efforts towards nuclear disarmament in order to achieve a world free from the scourge of nuclear weapons.

Irreversibility

12. The practical step of irreversibility forms an essential component of the arms control process, particularly insofar as reductions in the number of nuclear weapons are concerned. In this regard, South Africa holds the view that further reductions of nuclear weapons would underpin our endeavours to achieve nuclear disarmament and also strengthen international peace, stability and security.

13. Reductions and elimination of non-strategic nuclear weapons should be included as an integral part of the nuclear-arms reduction and disarmament process, whilst such reductions should be carried out in a transparent, verifiable and irreversible manner. South Africa has consistently called upon the nuclear-weapon States to implement their disarmament obligations and commitments in a transparent, irreversible and verifiable manner.

14. It has long been our view that disarmament and non-proliferation are inextricably linked, and that real and irreversible movement on nuclear disarmament would reinforce the irreversibility of non-proliferation. We therefore view with concern any development that would disturb this balance and that would undermine our goal of achieving a world free of nuclear weapons. The decision by North Korea to withdraw from the NPT remains a matter of concern, and South Africa calls on

the DPRK to rejoin the NPT without further delay. In this context, South Africa also continues to call on India, Israel and Pakistan to forego the nuclear weapons option and become parties to the NPT.

Unequivocal undertaking

15. South Africa welcomed the unequivocal undertaking by the States Parties, including the nuclear-weapon States at the 2000 NPT Review Conference to accomplish the total elimination of their nuclear arsenals. This was one of the most significant decisions that have been taken in the history of the NPT. It should be recognised that the decision to make this unequivocal commitment by the nuclear-weapon States, who actually possess these weapons with such destructive power, was a decision based on their own recognition of their legal and moral obligation to rid the world of these weapons that have unspeakable capacity to cause suffering and destruction. For this reason, we are concerned about the lack of progress by the nuclear-weapon States that would demonstrate progress on their commitment to the unequivocal undertaking. While we welcome the progress made towards the reduction in the number of nuclear weapons, we remain concerned about qualitative improvements to existing weapons and the development of new weapons that contradicts the solemn undertaking made by the nuclear-weapon States.

START and the ABM Treaty

16. On the issue of START, New START and the Treaty on the Limitation of Anti-Ballistic Missile Systems (ABM), South Africa recalls that the abrogation of the ABM Treaty has brought about an additional element of uncertainty. We had warned that this could also have grave consequences for the future of global security, and create apparent rationales for action based solely on unilateral concerns. Any action — including the development of missile defence systems — which could impact negatively on nuclear disarmament and nuclear non-proliferation, is of concern to the international community and South Africa likewise remains concerned about the risk of a new arms race on earth and in outer space. We welcome the implementation of the New START agreement and progress made in this regard, but note with concern that the Russian Federation and the United States have yet to commence discussions on deeper cuts, as agreed to during 2010.

Trilateral Initiative

17. South Africa believes that the Trilateral Initiative between the United States, the Russian Federation and the International Atomic Energy Agency (IAEA), which sought to reduce the level of weapons-grade material in the two countries and place the resulting material under IAEA control, would have significantly contributed to nuclear disarmament efforts. We reiterate our call for the implementation of the commitments made at the 2000 NPT Review Conference and the resumption of the Trilateral Initiative.

Steps by the nuclear-weapon States

18. South Africa continues to express concern over the lack of progress in the steps to be taken by the nuclear-weapon States leading to nuclear disarmament in a way that promotes international security and stability, and based on the principle of undiminished security for all. The various elements of the steps to be taken by the

nuclear-weapon States have consistently been supported by South Africa, such as the need for increased transparency, the further reduction of non-strategic nuclear weapons, and the engagement of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons. South Africa has on numerous occasions, and in various disarmament fora, called for progress in the pursuance of these steps, and will continue to do so.

Arrangements by nuclear-weapon States for verification of non-military fissile material

19. South Africa continues to support the placing by all the nuclear-weapon States of fissile material no longer required for military purposes under international verification. In this regard and consistent with the NPT Final Documents, the NAC's annual resolution at the General Assembly calls upon all nuclear-weapon States to make arrangements for the placing, as soon as possible, of fissile material no longer required for military purposes under IAEA or other relevant international verification and to make arrangements for the disposition of such material for peaceful purposes in order to ensure that such material remains permanently outside military programmes. The NAC also submitted a working paper to the 2012 NPT Preparatory Committee for the 2015 Review Conference on the issue of verification of nuclear disarmament measures, recalling past agreements.

General and complete disarmament

20. Regarding the step on general and complete disarmament, South Africa has for many years now maintained its commitment to a policy of non-proliferation, disarmament and arms control that covers all weapons of mass destruction and extends to concerns relating to the proliferation of conventional weapons. This policy forms an integral part of its commitment to democracy, human rights, sustainable development, social justice and environmental protection. South Africa will endeavour to continue playing an active role in all arms control and disarmament issues, including in the areas of nuclear, biological and chemical weapons, landmines, small arms and light weapons, missiles and other conventional weapons deemed to be excessively injurious or to have indiscriminate effects. Nuclear disarmament remains an indispensable step towards the achievement of an agreement on general and complete disarmament.

Reporting

21. On the practical step of reporting, South Africa strongly supports the principle of regular reporting, within the framework of the strengthened review process for the NPT, by all States Parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".

Development of verification capabilities

22. The issue of verification lies at the heart of the disarmament and arms control process and in South Africa's view forms a critical element of that process. South Africa has continued to support activities aimed at strengthening and developing verification capabilities to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-

free world. It will also be recalled that in previous NAC papers the view was expressed that the IAEA was the most relevant international body to develop verification mechanisms or a verification mechanism for a world free of nuclear weapons. South Africa remains of this view.

B. Nuclear non-proliferation (actions steps 23-46)

Universal adherence to the Treaty

23. South Africa believes that States currently outside the Treaty should accede to the Treaty as non-nuclear weapon States without conditions.

Safeguards

24. South Africa is committed to the highest level of safeguards, i.e. integrated safeguards. South Africa implements the Agreement of 16 September 1991 between itself and the IAEA for the Application of Safeguards in connection with the NPT. South Africa also concluded and implements an Additional Protocol signed on 13 September 2002. South Africa is working towards the optimum combination of these agreements.

25. South Africa has consistently supported the conclusion and application of safeguards agreements by all States Parties to the Treaty. It is promising that a growing number of States are concluding an additional protocol with the Agency. This indicated the continued commitment of NNWS to their non-proliferation obligations under Article III of the Treaty.

Transfers and physical protection of nuclear material

26. South African policy is guided by the Non-Proliferation of Weapons of Mass Destruction Act, No. 87 of 1993 and the Nuclear Energy Act, No. 46 of 1999. Under the terms of Act 87 of 1993, the Non-Proliferation Council of South Africa (NPC) was established to control and manage matters relating to the proliferation of such weapons. The legislation additionally links efforts to promote non-proliferation by stating that South Africa may determine general policy with a view to the encouragement of bilateral and multilateral efforts to eliminate weapons of mass destruction. Under Act 46 of 1999, the peaceful application of nuclear energy, including the safety and physical protection of nuclear material and facilities, as well as rules regarding the transfer of material outside the Republic of South Africa are dealt with comprehensively. This includes the commitment to ensure that no transfer would contribute to any nuclear weapons programme, whether this relates to transfers to a nuclear-weapon State or non-nuclear-weapon States.

27. South Africa is also party to the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), which prohibits the production, use, stockpiling and placement of nuclear weapons on the African Continent. The Pelindaba Treaty was opened for signature in Cairo on 11 April 1996. All 53 members of the African Union have signed the Treaty.

C. Peaceful uses of nuclear energy (actions steps 47-64)

Peaceful nuclear cooperation

28. The Treaty emphasises peaceful nuclear co-operation and access to the benefits of the peaceful uses of nuclear energy as one of its core objectives. Under the Treaty, States Parties have agreed undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

29. South Africa believes that it is critical that States honour their obligations under Article IV of the Treaty, without attempts to re-interpret or restrict its terms. South Africa implements its obligations under the Treaty through support for the IAEA's Technical Co-operation Programme (TCP). South Africa participates in the African Regional Cooperative Agreement for Research, Development (AFRA). The Agreement establishes regional cooperation in the field of nuclear science and technology in Africa.

30. South Africa has made extra-budgetary contributions through its African Renaissance Fund to *Improve Veterinary Laboratory Capacities in Sub-Saharan Africa for the Early and Rapid Diagnoses and Control of Various Transboundary Animal Diseases*. This project has also benefited from the Peaceful Uses Initiative and will significantly contribute to food security and poverty reduction on the African continent, in line with South Africa's commitment to achieving the Sustainable Development Goals (SDGs).

Appropriate and effective levels of safety and security

31. Nuclear activities in South Africa are regulated by the National Nuclear Regulator (NNR) established under the National Nuclear Regulator Act, 47 of 1999, which includes the provision of safety standards and regulatory practices for protection of persons, property and the environment against nuclear damage. The NNR is responsible for fulfilling national obligations in respect of international legal instruments concerning nuclear safety.

Relevant nuclear conventions

32. South Africa is a signatory to the Convention on the Physical Protection of Nuclear Material (CPPNM), the Convention on Nuclear Safety (CNS), the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT), the Convention on Early Notification of a Nuclear Accident, Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Joint Convention on the Safety of Spent Fuel and the African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA). The process to accede to the 2005 amendment to the CPPNM is in progress.

III. Conclusion

33. South Africa's commitment to the full implementation of the decisions of NPT Review Conferences through concrete national measures under the three Treaty pillars provides evidence of its continued commitment towards fulfilling the central

goal of the NPT, namely the achievement of a world without nuclear weapons. As a non-nuclear-weapon State, South Africa remains deeply concerned about the lack of commitment shown by the nuclear-weapon States in fulfilling their side of the NPT bargain. The inaction and resistance by the nuclear-weapon States towards the implementation of their nuclear disarmament obligations and policy pronouncements aimed at justifying the continued possession of these weapons weaken the NPT regime and encourages proliferation.

34. While South Africa will continue to focus on promoting nuclear disarmament, ensuring that its non-proliferation obligations are met and encouraging other States to do the same, it will also continue to support and protect the inalienable right of States to develop, use and access nuclear energy for peaceful purposes, consistent with their developmental goals.